

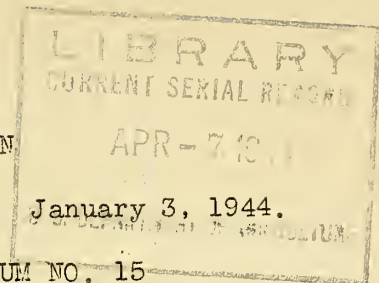
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FRUIT AND VEGETABLE BRANCH MEMORANDUM NO. 15

To: Regional Directors and Chiefs of the Fruit and Vegetable Branch.  
From: C. F. Kunkel, Acting Chief  
Subject: Formulation and Administration of Food Orders at Branch Level

The purpose of this memorandum is to emphasize the necessity of advance planning in the formulation and administration of food orders as well as to establish the general procedure to be followed by the Branch and Regional Offices of the Fruit and Vegetable Division.. Occasionally, an emergency situation may make this procedure impracticable; generally, however, plans should be worked out far in advance of actual need.

Food orders may be only one of several measures used in each over-all program for specific commodities. The extent to which additional measures will be used to assist in accomplishing the objectives of the over-all program will be important in determining the provisions of an order and consequently during the formulation of such an order the plans for and the development of such additional measures must be closely watched.

The Regional Offices, as well as personnel of the Branch in Washington, should initiate the development of a food order when conclusive need for a regulation has been established. The Regional Offices should furnish the information requested in I-A of this memorandum when the recommendation for an order originates in the field.

1. The following procedure should be followed in formulating a food order:

A. A memorandum should be submitted to the Branch Chief setting forth:

1. Purpose of the proposed order, anticipated results, and reasons why the purpose can best be accomplished by an order.
2. Data and information supporting the need for and the feasibility of the proposed order.
3. Availability of facilities, containers, labor and farm equipment, if such factors constitute problems under the proposed food order.
4. Proposed basic provisions of the order. Basic provisions should provide for simplicity and expeditious administration.
5. Probable industry reaction to or opinion of the proposed order.
6. Relation of the proposed order to the over-all program for the commodity.

7. The aid field offices, industry and other Government offices and agencies can extend in formulating the order.
8. Proposed manner and estimated cost of administration both in the field and in Washington.
9. Plans for securing Compliance.
10. The necessary effective date.

B. A copy of this memorandum should be forwarded to the interested Regional Offices for comments and suggestions within a specified period.

C. Discussions will be held by the Branch Chief, Division Chiefs, or other designated personnel, with other interested Branches and Divisions regarding the proposal for the order, including the comments from the Regional Offices. These discussions should also cover the amount of industry assistance deemed feasible by interested parties in formulating and administering the order.

D. A proposed memorandum of intention outlining the need for the order should be submitted to the Order Review and Clearance Committee for approval in accordance with current procedure set forth in existing directives.

E. Subject to the approval of the Deputy Director, an industry committee will be established if such a committee is to be utilized in developing and administering the order.

F. Upon concurrence by the Order Review and Clearance Committee, the order should be drafted in collaboration with the Solicitor's Office. Copies of this draft will be sent to the Regional Offices. A set of questions and answers should be prepared in the manner outlined in Supplement 3 to Director's Memorandum No. 42, Revised.

G. The responsibility of each Regional Office in administering the food order should be carefully specified in instructions to the Regional Offices and to the field Order Administrators. The exact division of authority between the Washington and field personnel in administering food orders should be defined. Also, such instructions should contain suggestions on the field operation of the order, including such things as: the maintenance of suitable records; the location of local offices; and other pertinent factors. Such instructions shall be forwarded to the Regional Offices as soon as possible after the order is drafted in final form.

H. In conjunction with the Deputy Director's office, an industry educational program should be started as early as practicable. Occasionally, as may be the case with set-aside orders, all details should be kept confidential until the proposed order is actually issued. In any case, every effort should be made to inform the industry of the need and purpose of the order, either before or as



soon as possible after its issuance, in order to obtain the understanding and cooperation necessary for successful administration. Whenever possible, the order should be issued sufficiently in advance of the effective date to permit the industry to become acquainted with its provisions and plan its operations accordingly.

I. If possible, comparable price ceilings should be established for a commodity being diverted by a food order into an alternate use. Provisions relating to price ceilings, support prices, and other measures, which are needed for the proper administration of the order, should be made effective prior to the effective date of the food order.

II. Administrators of food orders should be guided by the following criteria, in addition to those set forth in Director's Memorandum No. 42, Revision 1, or Supplements thereto, in administering food orders:

A. The Order Administrator should furnish the Chief of the Fruit and Vegetable Branch monthly reports on the operation of the food order, except when otherwise specified. The information contained in such reports should be concerned primarily with current activities and progress under the order and the effectiveness of the order in accomplishing the purpose for which it was issued. Such reports should cover a calendar month and should be routed to the appropriate Washington Office Division Chief by the 7th of each month.

B. The Branch will forward copies of order correspondence and other pertinent material to the appropriate Regional Office, and the Regional Office should forward copies of pertinent correspondence to the Order Administrator or Division Chief in Washington.

III. The procedure to be followed in formulating amendments should follow that established for the original proposal for the order insofar as it is applicable. However, where amendments are only of minor significance or where they are of an emergency nature it may be impractical to follow this procedure.

It will be the function of the appropriate Branch Division Chief to assign the preparation of the material outlined herein. Memoranda and correspondence should be prepared for signature in accordance with instructions previously issued, whenever they are applicable.

